

Application S/N 10/607,009
Amendment dated: April 29, 2005
Response to Office Action dated: February 9, 2005

CE11363J1250

REMARKS/ARGUMENTS

Claims 1-16 are pending in the application. In the Office Action, claims 1, 5, 10, 12, 13 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,215,498 to Filo, et al. (Filo) in view of U.S. Published Patent Application No. 2002/0145849 to Peterson, III (Peterson). Claims 2 and 3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Filo in view of Peterson and further in view of U.S. Patent No. 6,766,040 to Catalano, et al. (Catalano). Claims 4 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Filo in view of Peterson and in view of U.S. Patent No. 6,848,052 to Hamid, et al. (Hamid). Claim 11 was allowed, and claims 6-9 and 15 were objected to as being dependent upon a rejected base claim.

A brief summary of the Filo and Peterson references may be helpful here. Filo discloses a virtual command post in which a system of networked terminal apparatus is used to create a three-dimensional, animated work environment. As part of the work environment, terminal users of various levels of immersion are depicted as avatars in the virtual work environment. As part of their equipment, some of the terminal users are provided with computers that are attached to the user's waist (see FIGs. 2A – 2C). The computers include a set of software modules that are specially adapted for use by higher-rated terminal users, which are referred to as personal tools. Filo explains that devices that identify characteristics unique to an individual may be used to protect the personal tools. Filo also describes a control section (see FIG. 6) that determines how staff are utilized and configured in the virtual command post. Nowhere does Filo describe the characteristic-identification device or the control section as being embedded in a garment.

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Peterson discloses a wearable computer and garment system. In particular, a portable computer system is incorporated into an item of personal wear, such as a vest, that is shielded by a layer of armor. The armored garment will protect both the portable computer system and the user. Peterson, similar to Filo, does not show a characteristic identification device or a control section as being embedded within a garment. In fact, Peterson fails to mention anything about biometric identification devices or controllers for providing access based on measurements from a biometric identification device.

Independent claim 1 has been amended to clarify that the authentication unit is embedded in the garment, and independent claim 13 has been amended to clarify that the comparing step is performed by an authentication unit embedded within a garment. Support for the amendment is shown on page 6, lines 1-2 and in FIG. 1. Although not currently amended, independent claim 12 recites a controller embedded within a garment in which the controller transmits an authorizing signal to a device embedded within the garment when an authentication unit identifies an authorized user.

As mentioned earlier, neither Filo nor Peterson, nor any of the other prior art references cited in the Office Action, describe or even suggest an authentication unit and an associated device embedded within a garment in which the authentication unit transmits an authorizing signal to the device when the authentication unit biometrically identifies a user.

Dependent claim 17, which recites that the biometric reader is part of the authentication unit, has been added. Support for the new claim can be found on page 15, lines 7-12 and in FIG. 9.

In view of the above, Applicants now believe that independent claims 1, 12 and 13 are patentable over the prior art. Applicants also believe that those claims that

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depend from independent claims 1, 12 and 13 are patentable. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Although no fee is required with this submission, the Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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